

BILL NO. Z-85-02 11

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-23.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby
designated an M-1 (Light Industrial) District under the terms of Chapter 33
of the Code of the City of Fort Wayne, Indiana of 1974:

Lots 1, 2, & 3 in Glencoe Park Addition and 0.296 acres in
the northwest part of Lot #1 in Bittersweet Gardens Addition.

Commencing at the Northwest corner of Lot 1 in Bittersweet
Gardens Addition east along the south line of Glencoe Park
Addition a distance of 175.6 feet to the southeast corner
of Lot 5 of Glencoe Park, south 52 feet to a point,
50.47 degrees 40 minutes west 129.6 feet to a point on the
east right-of-way of Old Decatur Road, north 42 degrees 20
minutes west along right-of-way 130 feet to the point of
beginning

and the symbols of the City of Fort Wayne Zoning Map No. N-23, as established
by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and
effect from and after its passage and approval by the Mayor.

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

COUNCIL MEMBER

FOX RIVER BOND
35% COTTON

Read the first time in full and on motion by Redd,
seconded by Talarico, and duly adopted, read the second time
by title and referred to the Committee Legislation (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____.M.,E.S.

DATE: 2-22-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd,
seconded by Henry, and duly adopted, placed on its
passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 5-14-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19____,
at the hour of _____ o'clock _____.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____.M.,E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 10858

FT. WAYNE, IND., January 4 1985RECEIVED FROM Glenn Ernst Co.\$ 50⁰⁰THE SUM OF Fifty Dollars00 DOLLARS
100ON ACCOUNT OF Recovering Littering Fees forproperty at 6001 Niagara RdGlenn Ernst

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE Construction Equipment Storage

I/We TERRENCE GLEAVE & KAREN GLEAVE
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an M1 District the property described as follows:

LOTS #12, & 13 IN GLEN-COE PARK ADD. AND 0.296 ACRES IN
THE N.W. PART OF LOT #1 IN BITTERSWEET GARDENS ADDITION-
COMMENCING AT THE N.W. CORNER OF LOT #1 IN BITTERSWEET GARDENS
EAST ALONG THE SO. LINE OF GLEN-COE ADD. A DISTANCE OF 175.6' TO
THE S.E. CORNER OF LOT #5 OF GLEN-COE, SO. 52' TO A POINT, SO. 47
DEGREES 40 MIN. WEST 129.6' TO A POINT ON THE EAST RIGHT-OF-WAY OF
(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE GIVEN: _____

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Terry Gleave</u>	<u>2912 Hazelwood</u>	<u>Terry Gleave</u>
_____	_____	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Terry Gleave</u>	<u>2912 Hazelwood</u>	<u>744-2757</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

OLD DECATUR RD. NORTH 42 DEGREES 20 MIN. WEST ALONG RIGHT
OF WAY 130' TO THE POINT OF BEGINNING, LOT # 1 IN BITTERSWEET
GARDENS- COMMENCING AT THE N.W. CORNER DEFINED BY AN IRON PIPE
FOUND SITUATED 27' NE. OF THE CENTERLINE OF OLD DECATUR RD, AND
324.5' N.W. FROM THE SOUTH CORNER, EAST ON THE NORTH LINE 175.6'
TO THE S.E. CORNER OF LOT # 5, GLEN-COE PARK, SOUTH 89 DEGREE
26 MIN. ON THE EXTENSION S. OF THE E. LINE OF LOT # 6, 52.0'
THEN SOUTH TO THE CENTERLINE OF OLD DECATUR RD. - 61 DEGREES
52 MIN. 129.6' TO THE S.W. LINE OF LOT # 1, THEN N.W. 90 DEGREES
130.0' TO THE POINT OF BEGINNING (12,991 Sq. Ft.)

PLAT RECORD 8- PAGE 96
PLAT BOOK 12 - PAGE 28
Owners of Property

TERRENCE J. GLEAVE	6001 DECATUR RD.	Terry Heave
KAREN GLEAVE	6001 DECATUR RD.	
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

Change of Zone #109

PROPOSAL:

Terry Gleave, petitioner, requests a change of zone from an RA to an M-1.

GENERAL INFORMATION:

Location:	6000 Block Decatur Road
Legal Description:	See File
Existing Zoning,	RA - Suburban Residential
Size of Property:	0.68 Acres <u>±</u>
Surrounding Land Use & Zoning:	North - RA & B-1-B - SFR & Commercial South - RA & RB - SFR East - RA - SFR and Church West - RB & M-1
Reason For Request:	To allow expansion of existing business.
Applicable Regulations:	Building contractors storage yard requires an M-1 - Light Industrial zoning.
Comprehensive Plan Comments:	General Land Use Policies state that a rezoning and development proposal should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal in the Middle Ring where this request is located is to maintain investment and prevent deterioration in existing neighborhoods. This area has a projected land use of medium density residential with no industrial development in the immediate vicinity.

PLANNING STAFF DISCUSSION:

Current legal zoning status of this property has prevented expansion of business. Rezoning to the requested designation would allow the use to be in conformance with the zoning ordinance, and would provide for expansion plans of the existing business. The impact of approving this request would be negligible on the surrounding area as intended use is already present.

The area to the west is currently undeveloped land, and has been placed on the market. Future expansion of the subject property may, in fact, increase the aesthetic value of the area.

The Board of Zoning Appeals heard a request by Mr. Gleave to permit the temporary use of a trailer as an office. The request was granted with two stipulations:

Page two

- 1) If the rezoning is granted the trailer can remain for one (1) year.
- 2) If the rezoning is denied the trailer must be removed within sixty (60) days.

RECOMMENDATION:

Denial

Reasons:

- 1) Approval would bring the existing use into conformance with the zoning ordinance, and allow for expansion of the existing business on this property.
- 2) Approval would adversely impact the surrounding area.
- 3) The proposed zoning creates an undue hardship on the adjacent properties.
- 4) The Comprehensive Plan encourages reinvestment in the Middle Ring - this proposal would conflict with adjacent residential development.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on February 12, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-02-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 25, 1985;

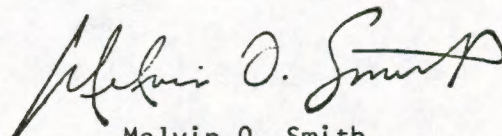
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 4, 1985.

Certified and signed this
16th day of April 1985.



Melvin O. Smith
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address Southeast corner of Decatur Rd. & Ventura Ln.
Reason for Project Expansion of business which is presently a non-conforming use.
Discussion (Including relationship to other Council actions) Terry Gleave, 2912 Hazelwood Dr., petitioner stated he wanted to expand his business on this property. He stated his property is a non-conforming use and he is unable at the present time to add any additional parking for his employees or to construct a building to house his equipment. He stated he has been at this location for 8 years. He stated this rezoning will allow him to improve the property. Neil Hike, 910 Farwood Avenue stated he lived directly adjacent to the property in question and he had no opposition to the rezoning. Russell Scare, 910 Farwood stated he is directly across from the property in question and in the time Mr. Gleave has been there he has improved the property. He stated he was in favor of the request because he felt the rezoning would allow Mr. Gleave to further improve the property. Elvin Kimmel, 1402 Farwood Avenue, stated he represented property owners in the area; Decatur Road, Ventura Lane and Farwood Ave. He stated that he had a petition from these residents in opposition to the rezoning.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/Proponents	Applicant(s) Terrence & Karen Gleave City Department Other
Opponents	Groups or Individuals W.C. Lahrman / 1324 Farwood Elvin Kimmel / 1402 Farwood Basis of Opposition - devalue property in area - cause more runoff in area
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against - create undue hardship in area - adverse impact on area
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

He stated that in the 8 years that Mr. Gleave has been at the property in question it has deteriorated. He stated that over the years Mr. Gleave has stored assorted junk on the property and has just recently placed a trailer on the property, which is in violation of the zoning ordinance. He presented the Commission with a petition signed by the area residents in opposition to the request. He stated that this property also is causing a considerable amount of runoff water and standing water in the area. He stated he felt Mr. Gleave's business was devaluting the residential properties in the area and the rezoning would only worsen the situation.

W.C. Lahrman, 1324 Farwood stated the people who previously owned the property had kept it clean and operated a good business. He stated that ever since Mr. Gleave bought the property (which is a legal non-conforming use) it has been an eyesore.

A resident from Farwood Avenue stated that she did not want them to rezone the property because it already is an eyesore and this rezoning would only give Mr. Gleave more freedom on the property.

Mr. Gleave in rebuttal stated that he is trying to alleviate some of the problems that the neighbors were complaining about. He stated that this rezoning would allow him to take the parking off of the street. He stated he did not feel he should be penalized for the water problems, they were there long before he purchased the property. He stated the City has attempted to drain the water back against the grade of the road. He stated

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

that the road slopes from his property toward Farwood and the City has attempted to change the side ditch to slope back from Farwood toward the center of his property. He stated he has also cleaned the ditch out and the drain the City put in because it is constantly clogging. He stated that there is already M-1 zoning across the street from his property. He stated this property has been used for business since the early 1940's. He felt that his business has not changed the character of the area. He stated that he required the rezoning though in order to improve the property.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

March 4, 1985 Business Meeting

Motion to deny was made and carried.

Of the eight (8) members present all voted in favor of denial.

Project Start**Date** January 4, 1985**Projected Completion or Occupancy****Date** April 15, 1985**Fact Sheet Prepared by****Date** April 15, 1985

Pat Biancaniello

Reviewed by**Date** April 15, 1985

Gary F. Baeter

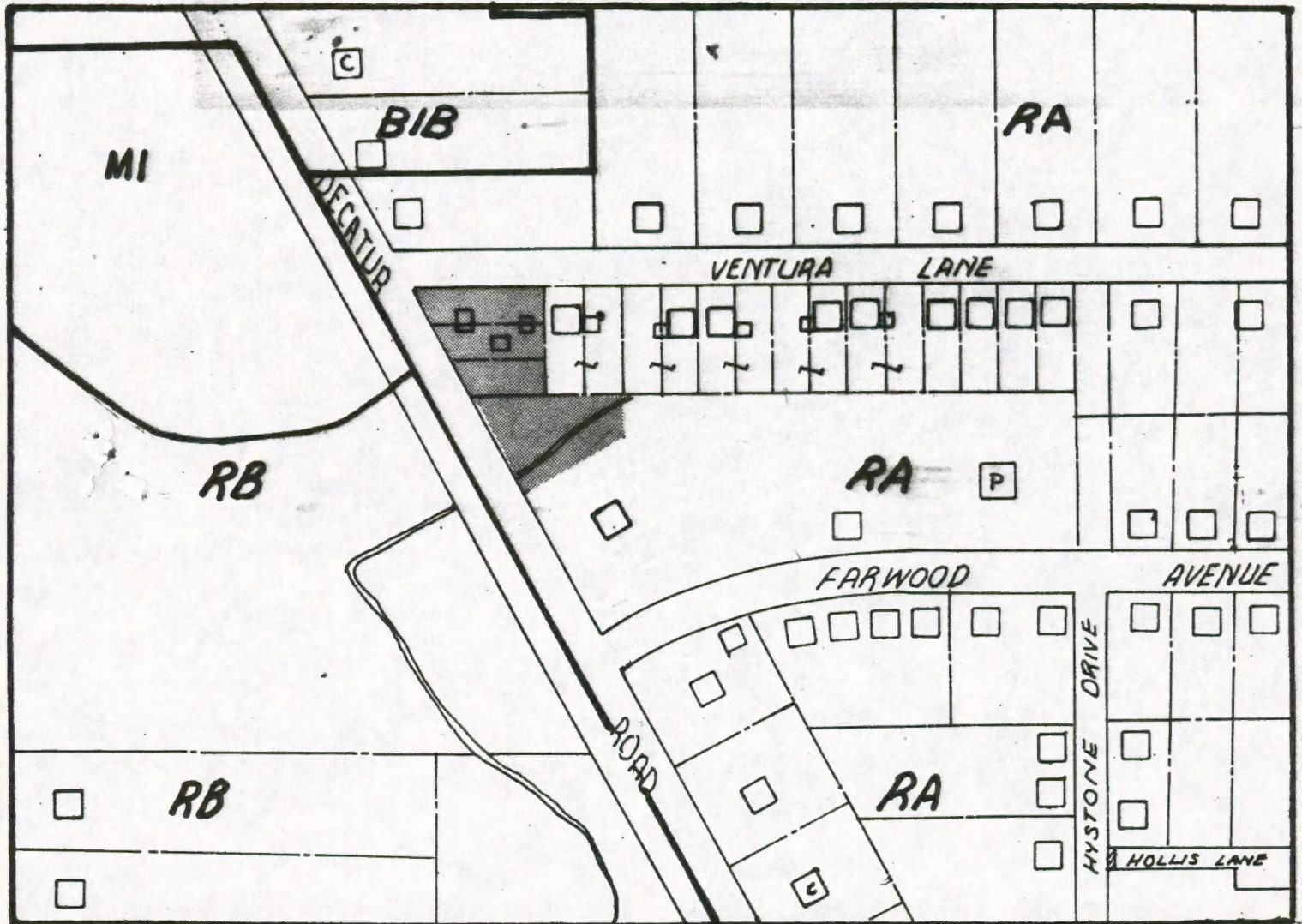
Reference or Case Number

ZONING PETITION #109

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A MI DISTRICT.

MAP NO. N-23

COUNCILMANIC DISTRICT NO. 6



Zoning:

RA RESIDENCE A
RB RESIDENCE B
BIB LIMITED BUSINESS
MI LIGHT INDUSTRY

Land Use:

□ SINGLE FAMILY
C COMMERCIAL
P PUBLIC-CHURCH

Bill No. Z-85-02-11



ORIGINAL

DIGEST SHEET

ORIGINAL

2-85-02-11

TITLE OF ORDINANCE Zoning Ordinance AmendmentDEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&PSYNOPSIS OF ORDINANCE The southeast corner of Decatur Road & Ventura Lane.Councilmanic District No. 6EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential.Property will become M-1 - Light Industrial.EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____)

BILL NO. Z-85-02-11

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort

Wayne Zoning Map No. N-23

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~)

YES

NO

CHARLES B. REDD
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

JAMES S. STIER

BEN A. EISBART

DONALD J. SCHMIDT

CONCURRED IN 5-14-85

Charles B. Redd
Janet G. Bradbury
James S. Stier
Ben A. Eisbart
Donald J. Schmidt
SANDRA E. KENNEDY
CITY CLERK